

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 7, 1992
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 11:00 a.m.
The meeting was recessed by Mayor O'Connor at 12:17 p.m.

The meeting was reconvened by Mayor O'Connor at 2:15 p.m. with Council Members Stevens and Filner not present. The meeting was recessed by Mayor O'Connor at 2:49 p.m. to convene the Redevelopment Agency. Mayor O'Connor reconvened the meeting at 2:50 p.m. with Council Members McCarty and Filner not present. City Manager McGrory advised the Council on the latest information received from the State regarding Registered Warrants and Delayed Payments. The meeting was adjourned by Deputy Mayor Roberts at 3:46 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour/Fishkin (rb/ll)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

(M) Mayor O'Connor-present
(1) Council Member Wolfsheimer-present
(2) Council Member Roberts-present
(3) Council Member Hartley-present
(4) Council Member Stevens-present
(5) Council Member Behr-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Filner-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-201: (R-92-2123 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-280296

Authorizing the City Manager to establish a community advisory body to advise the City Manager on the development of the Neighborhood Pride and Protection Program and related community quality of life issues.

(See City Manager Report CMR-92-217.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A012-258.)

MOTION BY McCARTY TO ADOPT AS AMENDED, APPROVING THE CITY MANAGER'S RECOMMENDATION OF CHANGE IN LANGUAGE FROM "AUTHORIZE THE CITY MANAGER ..." TO "CITY COUNCIL ENCOURAGE THE CITY MANAGER TO ESTABLISH A COMMUNITY ADVISORY BOARD NEIGHBORHOOD PRIDE AND PROTECTION PROGRAM."

IT IS WITH THE UNDERSTANDING THAT EACH COUNCIL MEMBER WILL DESIGNATE A REPRESENTATIVE TO BE APPOINTED BY THE CITY

MANAGER. Second by Hartley. Passed by the following vote:
Wolfsheimer-yea, Roberts-not present, Hartley-yea,
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,
Filner-nay, Mayor O'Connor-yea.

Motion by amend Council Member McCarty's motion to approve
Alternative 1 of the City Manager's Report (92-217) which
recommends that members of the board be appointed by the
Council. No second.

ITEM-330: (R-92-1820) ADOPTED AS RESOLUTION R-280297

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the Carmel Valley
Landscape Maintenance District.

(Carmel Valley Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes
the annual assessments for the Carmel Valley Landscape
Maintenance District. The district provides maintenance for
approximately 210 acres of open space in addition to medians,
streetscapes, and slopes within the district areas. The Fiscal
Year 1993 proposed maintenance costs for the district are as
follows:

Contractual Maintenance	\$ 677,099
Personnel	98,113
Utilities	157,000
Incidentals	141,864*
Total Expenses	\$1,074,076
Reserve	105,385
Total	\$1,179,461
Less Carry-over & Interest	119,174
Less City Contribution	28,160
Assessed to District	\$1,032,127

* Includes Assessment Management Fee of \$65,571.

Fiscal Year 1993 assessments will range from approximately
\$13 to \$261 per dwelling unit for the various (one through
seven) subareas of the district. The corresponding range in
Fiscal Year 1992 was from \$12 to \$230 per unit.
Approximately 9 acres of additional landscaping will be
maintained by the district in FY '93.

FILE LOCATION: STRT M-255

COUNCIL ACTION: (Tape location: A264-275.)

Hearing began at 11:23 a.m. and halted at 11:24 a.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 330, 331, 332 AND 333.
Second by Behr. Passed by the following vote:
Wolfsheimer-yea, Roberts-not present, Hartley-yea,
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-331: (R-92-1805) ADOPTED AS RESOLUTION R-280298

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the Mira Mesa Landscape
and Lighting Maintenance District.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes
the annual assessments for the Mira Mesa Landscape Maintenance
District. The district provides maintenance of landscaped and
paved medians, slopes and streetscapes within the community. The
Fiscal Year 1993 proposed maintenance costs for the district are
as follows:

Contractual Maintenance	\$202,500
Personnel	22,076
Utilities	19,750
Incidentals	45,279*
Total Expenses	\$289,605
Reserve	36,822
Total	\$326,427
Less Carry-over & Interest	26,482
Less City Contribution	28,400
Assessed to District	\$271,545

* Includes \$17,679 Assessment Management Fee.

The assessment amount per dwelling unit for FY '93 is \$3.79
compared to \$2.71 for FY '92. The increase is due to
approximately 2.0 acres of additional landscaping to be
maintained by the district in FY '93.

The Mercy Road subdistrict parcels are assessed an additional \$66
per dwelling unit for costs relating to landscape maintenance
operations specific to the subdistrict area. The corresponding
amount in FY '92 was \$5. The increase is due to approximately

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11.0 acres of additional landscaping to be maintained in the Mercy Road subdistrict area.

FILE LOCATION: STRT M-257

COUNCIL ACTION: (Tape location: A264-275.)

Hearing began at 11:23 a.m. and halted at 11:24 a.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 330, 331, 332, AND 333.
Second by Behr. Passed by the following vote:
Wolfsheimer-yea, Roberts-not present, Hartley-yea,
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-332: (R-92-1808) ADOPTED AS RESOLUTION R-280299

Considering the protests, approving the modified map,
confirming the assessments, and ordering the proposed
maintenance, in the matter of the Bay Terraces
Landscape Maintenance District Areas 1 and 5.

(Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes
the annual assessments for the Bay Terraces Landscape Maintenance
District. The district provides for the maintenance of four
acres of open space. The Fiscal Year 1993 proposed maintenance
costs for the district are as follows:

	Area 1	Area 5	Total
Contractual Maintenance	\$13,170	\$ 4,159	\$17,329
Personnel	2,452	2,452	4,904
Utilities	2,575	0	2,575
Incidentals	3,330	2,764	6,094*
Total Expenses	21,527	\$ 9,375	\$30,902
Reserve	3,026	2,600	5,626
Total	\$24,553	\$11,975	\$36,528
Less Carry-over & Interest	3,420	2,280	5,700
Less City Contribution	50	50	100

Assessed to District \$21,083 \$ 9,645 \$30,728

* Includes Assessment District Management Fee of \$1,887.

For Area 1, the annual assessment for Fiscal Year 1993 is
\$60.26 per dwelling unit, compared to \$57.90 for Fiscal Year
1992. For Area 5, the annual assessment for Fiscal Year

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1993 is \$100.54 for dwelling unit compared to \$97.20 in Fiscal Year 1992. The district consists of Areas 1 and 5 only.

FILE LOCATION: STRT M-252

COUNCIL ACTION: (Tape location: A264-275.)

Hearing began at 11:23 a.m. and halted at 11:24 a.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 330, 331, 332, AND 333. Second by Behr. Passed by the following vote:
Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-92-1811) ADOPTED AS RESOLUTION R-280300

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Campus Point Landscape Maintenance District.

(University Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Campus Point Landscape Maintenance District. The district provides maintenance of 25 acres of open space. The Fiscal Year 1993 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$12,000
Personnel	4,906
Utilities	7,125
Incidentals	6,004*
Total Expenses	\$30,035
Reserve	15,042
Total	\$45,077
Less Carry-over & Interest	19,600
Less City Contribution	625
Assessed to District	\$24,852

* Includes Assessment District Management Fee of \$1,834.

The proposed amount to be assessed to the district in Fiscal Year 1993 is approximately \$428 per net acre compared to \$428 per net acre in Fiscal Year 1992. The nine parcels in the district range in size from 3.1 acres to 14.6 acres.

FILE LOCATION: STRT M-253

COUNCIL ACTION: (Tape location: A264-275.)

Hearing began at 11:23 a.m. and halted at 11:24 a.m.

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 330, 331, 332, AND 333.
Second by Behr. Passed by the following vote:
Wolfsheimer-yea, Roberts-not present, Hartley-yea,
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-334: (R-93-121) ADOPTED AS RESOLUTION R-280301,
DENIED INITIATION REQUEST

In the matter of the request of Matthew A. Peterson, representing The Pyramids Incorporated, that the City of San Diego initiate an Amendment to the Mid-City Community Plan and an Amendment to the Progress Guide and General Plan (Chollas Creek Villas), proposing to redesignate a 4.5-acre site from Open Space to Low Density Residential (5-10 dwelling units per acre). It is located south of and adjacent to Chollas Parkway, east of 54th Street, southwest of the Bates Street cul-de-sac and north, northwest and west of both the Spa Street and Croft Street cul-de-sacs. The site is currently vacant and is at the northerly end of the Chollas Creek contiguous linear open space area that extends as far south as the entire length of the property and is situated on the northern and northwestern side of the project site along Chollas Parkway.

(Mid-City Community Plan Area. District-7.)

A Resolution granting or denying the initiation request.

FILE LOCATION: LAND Mid-City Community Plan

COUNCIL ACTION: (Tape location: A276-B455.)

Hearing Began at 11:24 a.m. and halted at 12:17 p.m.

Testimony in favor by Matt Peterson and Robert Ratliff.

Testimony in opposition by Connie Johnson, Karen Harris, Wilfred Nugent, Rodger Johnson.

Mayor O'Connor closed the hearing.

MOTION BY McCARTY TO DENY THE INITIATION OF THE COMMUNITY PLAN AMENDMENT, BUT TO PLACE THE SITE ON THE OPEN SPACE RETENTION LIST AND PURSUE THE PURCHASE OF THIS PROPERTY. DIRECT THE PLANNING DEPARTMENT TO INITIATE THE REZONING OF THE AREA TO BE IN ACCORDANCE WITH THE COMMUNITY PLAN. Second by Filner. Passed by the following vote:
Wolfsheimer-yea, Roberts-not present, Hartley-nay, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-335: (R-92-1814) ADOPTED AS RESOLUTION R-280304

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Gateway Center East Landscape Maintenance District.

(Mount Hope Neighborhood. District-4.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Gateway Center East Landscape Maintenance District. The district provides maintenance for the landscape open space easements as well as landscaping along the frontage of all lots and medians on Market Street and Gateway Center Drive.

The Fiscal Year 1993 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$ 66,475
Personnel	9,813
Utilities	18,800
Incidentals	34,317*
Total Expenses	\$129,405
Reserve	18,435
Total	\$147,840
Less Carry-over & Interest	36,200
Less City Contribution	944
Assessed to District	\$110,696

* Includes Assessment District Management Fee of \$7,900.

The assessment cost for Fiscal Year 1993 is \$2,950 per acre of net usable pad area of each parcel. The corresponding assessment cost in Fiscal Year 1992 was \$2,845.

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FILE LOCATION: STRT M-256

COUNCIL ACTION: (Tape location: C014-016.)

Hearing began 2:16 p.m. and halted 2:17 p.m.

MOTION BY ROBERTS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-not present, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-336: (R-92-1817) ADOPTED AS RESOLUTION R-280305

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District.

(Mission Valley Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the First San Diego River Improvement Project (FSDRIP) Landscape Maintenance District. The facility proposed to be maintained consists of San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20-foot wide buffer zone running along and adjacent to the channel embankments.

The Fiscal Year 1993 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$247,955
Personnel	32,969
Utilities	20,600
Incidentals	52,587*
Total Expenses	\$354,111
Reserve	193,964
Total	\$548,075
Less Carry-over & Interest	233,000
Less City Contribution	**
Assessed to District	\$315,075**

* Includes Assessment District Management Fee of \$21,616.

Fiscal Year 1993 assessments are approximately \$91 for the condo units compared to \$90 in FY '92, and from \$360 to \$58,500 for the individual parcels as compared to \$358 to \$58,000 in Fiscal Year 1992.

Aud. Cert. 9300002.

FILE LOCATION: STRT M-258

COUNCIL ACTION: (Tape location: C014-016.)

Hearing began 2:16 p.m. and halted 2:17 p.m.

MOTION BY ROBERTS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-not present, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-337: (R-92-1802) ADOPTED AS RESOLUTION R-280306

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance, in the matter of the Carmel Mountain Ranch Landscape Maintenance District.

(Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: This action establishes the annual assessments for the Carmel Mountain Ranch Landscape Maintenance District. The district provides maintenance of certain landscape medians and streetscapes within the district boundaries. The developer maintains certain other areas until they are turned over to the district.

The Fiscal Year 1993 proposed maintenance costs for the district are as follows:

Contractual Maintenance	\$125,000
Personnel	24,527
Utilities	\$26,500
Incidentals	41,391*
Total Expenses	\$217,418
Reserve	14,364
Total	\$231,782
Less Carry-over & Interest	99,145
Less City Contribution	12,876
Assessed to District	\$119,761

* Includes Assessment District Management Fee of \$13,274.

The proposed assessment for Fiscal Year 1993 is approximately \$11.63 per dwelling unit compared to \$11.01 in Fiscal Year 1992.

FILE LOCATION: STRT M-254

COUNCIL ACTION: (Tape location: C014-016.)

Hearing began 2:16 p.m. and halted 2:17 p.m.

MOTION BY ROBERTS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-not present, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-338:

1. Matter of the appeal of William R. Knight from the decision of the Planning Commission in approving an amendment to Planned Commercial Development Permit PCD-91-0244 (Tierrasanta Gateway); and
2. Consideration of Conditional Use Permit CUP-92-0134 for a gas station and car wash to be located within Planned Commercial Development Permit PCD-91-0244. The proposed amendment would revise the approved PCD to allow 24,000 square-feet of nursery retail use on the portion of the site which was approved for 20,000-square-feet of office space. The amendment also proposes to allow a gas station and car wash within the development. The CUP would allow the construction and operation of the gas station and car wash. The subject property is located at 5850 Santo Road and is more particularly described as Lots 1-7 of Tierrasanta Gateway Map-12678, in the CC Zone within the Tierrasanta Community Plan area.

(PCD-91-0244/CUP-92-0134. District-7.)

Subitem-A: (R-93-77) ADOPTED AS RESOLUTION R-280307

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-91-0244 and Addendum No. 92-0134 have been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration and addendum have been reviewed and considered by the Council.

Subitem-B: (R-93-78) DENY THE APPEAL, GRANT THE
AMENDMENT TO THE PCD PERMIT,
ADOPTED AS RESOLUTION R-280308

Adoption of a Resolution granting or denying the appeal
and granting or denying the amendment to the planned
commercial development permit, with appropriate
findings to support Council action.

Subitem-C: (R-93-79) GRANT THE CUP, ADOPTED AS
RESOLUTION R-80309

Adoption of a Resolution granting or denying the
conditional use permit, with appropriate findings to
support Council action.

FILE LOCATION: SUBITEM-A: PERM-CUP 92-0134; SUBITEM-B:
PERM-PCD 91-0244; SUBITEM-C: PERM-CUP 92-0134

COUNCIL ACTION: (Tape location: C016-225.)

Hearing began 2:16 p.m. and halted 2:34 p.m.

Testimony in favor by W. R. Knight and John Powell.

Testimony in opposition by Mike Smiley and Gordon Dunphey.

The hearing was closed by Mayor O'Connor.

MOTION BY McCARTY TO ADOPT SUBITEM-A AND CERTIFY THE
NEGATIVE DECLARATION; SUBITEM-B: DENY THE APPEAL AND GRANT
THE AMENDMENT TO THE PCD PERMIT; AND SUBITEM-C TO GRANT THE
CUP. Second by Roberts. Passed by the following vote:
Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-not
present, Behr-yea, Stallings-yea, McCarty-yea, Filner-not
present, Mayor O'Connor-yea.

ITEM-339: (R-92-2077) ADOPTED AS RESOLUTION R-280310

Determining that the use of funds from the Columbia
Redevelopment Project Low and Moderate Income Housing
Fund to pay part of the cost of rehabilitating property
located at 3151 Redwood Street (The Bridge), under a
proposed housing rehabilitation agreement with San
Diego Youth and Community Services, will be of benefit
to the Columbia Redevelopment Project.

(District-2. See Memorandum from CCDC dated 6/11/92.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C425-482.)

MOTION BY HARTLEY TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S407:

In the matter of reconsideration of the City Council's action of June 22, 1992, Item S401, rejecting all bids received on May 7, 1992 and readvertising for bids for the Construction of Sewer Pump Station No. 17 Renovation on Work Order No. 171751, and authorizing the execution of a contract with the lowest responsible bidder. (BID-K3085/92A)

(Pacific Beach Community Area. District-2.)

Subitem-A: DISPOSED OF JULY 6, 1992

Suspending Rule 2 of the Permanent Rules of the Council (Municipal Code Section 22.0101) which requires that reconsideration of a docketed item occur on the same date that the item was acted upon by the City Council.

Subitem-B: DISPOSED OF JULY 6, 1992

A motion to reconsider the item.

NOTE: If Subitems A and B are approved, Council can proceed with Subitem C, to hear the item.

Subitem-C: CONTINUED TO JULY 13, 1992

Rejecting all bids received on May 7, 1992 and readvertising for bids for the Construction of Sewer Pump Station No. 17 Renovation on Work Order No. 171751; authorizing the execution of a contract with the lowest responsible bidder.

(BID-K3085/92A)

FILE LOCATION:

COUNCIL ACTION: (Tape location: D493-E112.)

Motion by Stallings to leave MurVic as the responsible low bid and not reject all bids and to refer this matter to the City Manager to review the bid process and bring back to Council. Second by Stevens. Motion withdrawn.

MOTION BY STALLINGS TO CONTINUE TO JULY 13, 1992 FOR FULL COUNCIL. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-S500:

(Continued from the meeting of June 30, 1992, Item 330, Subitems L and M, at the request of Councilmember Hartley, to get clarification of the zoning specs in these areas and legal ramifications if not defensible.)

Last year the San Diego Unified School District filed a lawsuit against the City of San Diego alleging that the City abused its discretion in applying the IOZ to public school district property. On May 16, 1991, the Superior Court agreed with the School District, and ordered the City to remove IOZ from all school sites within the City of San Diego.

Removal of the IOZ does not affect the existing underlying zone, and in most cases the underlying zone will remain unchanged. In a few cases the Planning Department will be rezoning only those school sites where the underlying zone does not conform with surrounding land uses. These rezonings will be considered and noticed separately.

Rezoning the following sites:

1. Rezone the Adams Elementary School Site from MR-1500B to MR-2500 or R1-5000;
2. Rezone the Franklin Elementary School Site from MR-1500B to R1-5000.
3. Rezone the Willow Road Elementary School Site into (CPIOZ "B") (coastal/west portion and east portion).

Subitem-A: (O-92-169) INTRODUCED, TO BE ADOPTED
JULY 20, 1992

Introduction of an Ordinance rezoning the Adams
Elementary School site from MR-1500B into the MR-2500
Zone.

Subitem-B: (O-92-168) INTRODUCED, TO BE ADOPTED
JULY 20, 1992

Introduction of an Ordinance rezoning the Franklin
Elementary School site from MR-1500B into the R1-5000
Zone.

Subitem-C: (O-93-1) INTRODUCED, TO BE ADOPTED
JULY 20, 1992

Introduction of an Ordinance incorporating the Willow
Road Elementary School site located at 226 Willow Road
within the San Ysidro Community Plan Area, into the
Community Plan Implementation Overlay Zone Type "B"
(CPIOZ "B") (coastal/west portion and east portion).

FILE LOCATION:

COUNCIL ACTION: (Tape location: C226-422.)

Hearing began 2:34 p.m. and halted 2:47 p.m.

Mayor O'Connor closed the hearing.

MOTION BY HARTLEY TO INTRODUCE. Second by Roberts. Passed
by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-CS-1: (R-93-4) ADOPTED AS RESOLUTION R-280302

A Resolution adopted by the City Council in Closed
Session on July 7, 1992:

Authorizing the City Manager to pay the total sum of
\$19,560.33 in settlement of each and every claim
against the City, its agents and employees, resulting
from property damage sustained by Mission Federal
Credit Union; authorizing the City Auditor and
Comptroller to issue one check in the amount of
\$19,560.33 made payable to Luth & Turley, Inc.

Aud. Cert. #9201045

FILE LOCATION: MEET

ITEM-CS-2: (R-93-5) ADOPTED AS RESOLUTION R-280303

A Resolution adopted by the City Council in Closed Session on July 7, 1992:

Authorizing the City Manager to pay up to, but not exceeding \$77,583.75, in settlement of each and every claim against the City, its agents and employees, resulting from property damage sustained by Dr. Brent Campbell and M & M Corporation;

Authorizing the City Auditor and Comptroller to issue one check in the amount up to, but not exceeding \$77,583.75 to Luth & Turley, Inc.

Aud. Cert. #9201044

FILE LOCATION: MEET

NON-DOCKET ITEMS:

ITEM-ND-1: (R-93-102) ADOPTED AS RESOLUTION R-280312

The matter of registered warrants and delayed payments from the State of California to the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D100-273.)

MOTION BY BEHR TO ACCEPT THE ITEM FOR CONSIDERATION. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

MOTION BY BEHR TO WITHHOLD PAYMENT TO THE STATE UNTIL THEIR BUDGET MATTER IS RESOLVED AS THEY ARE WITHHOLDING MONEY FROM THE CITY FROM DMV FOR \$45 MILLION, CIGARETTE TAX FOR \$1 MILLION AND GASOLINE TAX FOR \$19 MILLION, SUBJECT TO THE CITY ATTORNEY'S FINDINGS CONCERNING POSSIBLE FINES AND PENALTIES. SHOULD THE ATTORNEY DETERMINE THIS IS LEGAL, THE CITY MANAGER WAS DIRECTED TO NOTIFY OTHER LARGE CITIES IN THE STATE AND ADVISE THEM OF OUR ACTIONS AND REQUEST THEM TO

DO SAME. Second by Stevens. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-yea, McCarty-not present, Filner-yea,
Mayor O'Connor-yea.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at
3:46 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E112.)